

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
2022 Quadrennial Regulatory Review	)	MB Docket No. 22-459
	)	
Amendment of Section 73.3555(e) of the Commission’s Rules, National Television Multiple Ownership Rule	)	MB Docket No. 17-318
	)	
Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard	)	GN Docket No. 16-142
	)	
Modernization of Media Regulation Initiative	)	MB Docket No. 17-105
	)	
Children’s Television Programming Rules	)	MB Docket No. 18-202

COMMENTS OF SINCLAIR, INC.

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COMMENTS OF SINCLAIR, INC.

I. Introduction and Summary

Sinclair, Inc.¹ respectfully submits the following comments in response to the Commission’s Public Notice² seeking input on rules the FCC can modify or eliminate to reduce undue regulatory burdens and promote investment in innovation. We applaud the Commission’s launch of this review and appreciate the opportunity to share our ideas and suggestions for rule changes that will allow broadcasters to better serve their local communities and the public interest.

The Commission is tasked with the great and wide-ranging responsibility of regulating communications by radio, television, wire, satellite and cable across the country. To fulfil this duty, the Commission is inherently and statutorily obligated to monitor the evolution of the media

¹ Sinclair is a diversified media company and leading provider of local news and sports.

² *In Re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219 (Mar. 12, 2025) (“Public Notice”).

and communications landscapes and to periodically review and adjust its rules to avoid stifling competition and innovation.³ There is simply no question that the media and communications ecosystem has radically changed over the last two decades – yet Commission regulations have not kept pace. Broadcasters are competing with Big Media and overpowered and unregulated new Big Tech entrants with both hands tied behind our backs due to archaic regulatory structures that fail to reflect current competitive conditions. As discussed in greater detail below, while there are a number of deregulatory steps the Commission can take to level the playing field and allow broadcasters to compete, by far the most important actions the Commission can take are the elimination of the local and national ownership caps and an expeditious proceeding setting a sunset date for ATSC 1.0.

II. Broadcasters Face Growing Competition From Unregulated Players

As the National Association of Broadcasters and others have demonstrated, the underlying assumptions regarding market definition and competition that have been used to support archaic Commission overregulation do not reflect the communications and video landscape of today in any meaningful way.⁴ While the Commission has previously concluded that the pace of technological change did not warrant regulatory revision, at this point, no one who regularly consumes video content on multiple platforms can reasonably contend that today's video

³ See, e.g., Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111–12 (“1996 Act”); *In re: National Association of Broadcasters*, Order (Sept. 28, 2023) (ordering FCC to complete 2018 Quadrennial review within 90 days of Order or show cause why petition for writ of mandamus should not be granted); *Prometheus Radio Project v. FCC*, 824 F.3d 33, 50 (3d Cir. 2016) (stressing “need for timeliness” in conducting Section 202(h) reviews after the Commission rolled the record of the unfinished 2010 Quadrennial Review into the 2014 Quadrennial Review proceeding).

⁴ *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, National Association of Broadcasters' Notice of *Ex Parte* Communication, MB Docket No. 17-318 (Apr. 2, 2025) (NAB National Cap *Ex Parte*).

marketplace, with connected TVs, streaming services, mobile video, and social media, continues to support the existing constraints on broadcast television.⁵

New entrants into the video marketplace include the largest, most powerful Big Tech platforms on the planet, with global reach and global scale. These largely unregulated Big Tech companies compete *directly* with local broadcasters for eyeballs and advertising dollars that are the lifeblood of our industry.⁶ Yet, remarkably, the Commission has continued to insist that ongoing, unchanging constraints on broadcasters are justified while broadcasters *in fact* are losing viewership and advertising dollars to both legacy and new competitors. Less than two weeks ago, YouTube was characterized as the “new king of all media,” because the platform is “not only the leader in engagement but revenue as well,” according to one analyst.⁷ Analysts estimate that if YouTube were a standalone business, it would be worth \$475 billion to \$550 billion – far more than the entire local broadcast industry combined, with YouTube TV competing directly with broadcasters by delivering live television via the Internet.⁸ Google’s, Meta’s, and Amazon’s annual U.S. advertising revenues each exceed the ad revenues of the entire local broadcast industry

⁵ See e.g., *id.* at 3 (noting that “Streaming platforms that reach 100 percent of U.S. TV households now dominate viewing, very nearly equaling the share of total TV consumption garnered by linear TV (broadcast and cable combined) and, in some months, earning more than double the share of TV consumption garnered by broadcast.”).

⁶ Letter from Rep. Richard Hudson et al., to Brendan Carr, Chairman, FCC, at 1 (Mar. 28, 2025), https://nab.org/documents/newsRoom/pdfs/032825_Media_Ownership_Letter.pdf (noting that “any one of the largest Big Tech platforms dwarfs the entire broadcast industry – yet they are held to no similar limitations on their reach.”).

⁷ T. Spangler, YouTube Now Worth as Much as \$550 Billion, Analysts Say: ‘New King of All Media,’ *variety.com* (Mar. 31, 2025), <https://variety.com/2025/digital/news/youtube-valuation-worth-550-billion-analysts-1236352586/>.

⁸ *Id.*

combined,⁹ and the combined share of global advertising revenues of these 3 companies hit 51% in 2024.¹⁰

The toxic combination of a rapidly changing competitive environment with ossified regulatory burdens has real world consequences for viewers in communities across the country. Creating local news is expensive. If broadcasters are artificially constrained by a head-in-the-sand regulatory approach that ignores competitive realities, they will inevitably be forced to cut local news budgets just as overregulation forced many newspapers to shut down¹¹ – leaving local communities with less local journalism and fewer options. Somewhat remarkably, some have sought to justify the preservation of antiquated regulatory structures by pointing out that broadcasters provide local news, while new Big Tech entrants do not. This position is logically unsustainable. First, taken to its illogical extreme it would create a perverse incentive for broadcasters to do less to serve their communities; after all, if broadcast overregulation is justified because only broadcasters produce local news, the logical response would be to produce less local news so that regulators can no longer pretend broadcasters operate in a unique and isolated market. Second, it holds broadcasters’ tremendous contribution to the public interest against broadcasters – all while platforms like Facebook, Twitter, and Apple News profit from redistributing broadcasters’ content, often without paying for it – smothering the industry into decline by

⁹ See E. Shapiro, Media Universe Maps 2020-2025, <https://eshap.substack.com/p/media-universe-maps-2020-2025> (last accessed Apr. 11, 2025).

¹⁰ MAGNA “Global Ad Forecast” (Dec. 9, 2024).

¹¹ See A. Watson, Number of local daily and non-daily newspapers in publication in the United States from 2004 to 2024 (Nov. 28, 2024), <https://tinyurl.com/wd8fc6ab> (stating that a “report on local news in the United States revealed that 3,200 weekly publications closed or merged with other papers between 2004 and 2024, with the number of non-daily papers falling from over 7.4 thousand to less than 4.6 thousand in that period.”).

insisting that broadcast regulation must never change even while anyone paying attention has noticed dramatic and accelerating changes in the market.

Stated plainly, if the Commission wants to preserve local journalism and ensure that viewers have options beyond Big Media national news and Big Tech algorithms, the Commission *must* act promptly to unshackle the broadcast television industry before it is too late. We urge the Commission to move swiftly to eliminate ownership restrictions, set a hard date for a sunset of ATSC 1.0, and adopt other regulatory relief as discussed in more detail below.

III. The Broadcast Ownership Rules Must Be Reformed

As Chairman Carr has observed, the “FCC should be focused on decisions that will make it easier for broadcasters to attract the capital necessary for them to invest, compete, and serve their local communities.”¹² Nothing would have a greater impact on broadcasters’ ability to achieve these goals than elimination of the outdated regulatory constraints on broadcast ownership.

Above all else, the Commission can and should move promptly to complete its 2022 Quadrennial review of broadcast ownership rules and adopt long-overdue updates that are necessary to enable broadcasters to compete on a level playing field with Big Media and Big Tech. The prior 2018 Quadrennial Review Order failed to consider non-broadcast sources of competition and exceeded the Commission’s authority by *tightening* the ownership rules (by, for example, extending them for the first time to multicast streams and low power television stations).¹³ But the Commission is in fact *required* by the plain language of the statute to *reduce or eliminate* regulatory constraints in light of competition to serve the public interest. The Commission should

¹² See Carr Statement on FCC’s Denial of WADL TV’s Application (Apr. 23, 2024), <https://docs.fcc.gov/public/attachments/DOC-402042A1.pdf>.

¹³ See *2018 Quadrennial Regulatory Review*, Report and Order, 38 FCC Rcd 12782, 12835-12841 (2023).

therefore act now not only to undo the errors of the 2018 Quadrennial Review Order but also to honestly assess the modern media landscape and sources of competition broadcasters face from Big Media and Big Tech.

Further, these rule revisions are essential to protecting broadcast stations' ability to continue to provide high-quality local news, emergency information, weather, and sports to their local communities. With the cataclysmic decline of newspapers, itself undoubtedly accelerated by the Commission's decades-long unwillingness to relax the newspaper/broadcast cross-ownership rules, broadcasters are, in many communities, the only remaining source of local journalism. For our part, Sinclair's annual investment in local news is approximately \$300 million, which funds the production of more than 2,500 hours per week of local news programming in the communities we serve. During 2024-2025, Sinclair produced or aired more than 1,400 hours of professionally produced high school sports. But news, network, and other programming costs continue to rise, and the current ownership limitations make it challenging for stations to remain competitive against Big Media and Big Tech for viewers and advertising dollars or to achieve the synergies and economies of scale necessary to continue to afford to produce or obtain high-quality programming. In the absence of the current ownership restrictions, broadcasters would be able to better take advantage of economies of scale that would bolster the industry's ability to attract capital and investment at a time of unprecedented competition. Until recently, broadcasters have been able to make up for the heavy decline in advertising revenue through increased retransmission consent fees. However, with the proliferation of cord-cutting, digital media platforms continue to peel viewers away from traditional television. Taken with the networks' ever-increasing demands for higher affiliation fees, or reverse retransmission consent fees, local broadcasters cannot rely on retransmission consent fees to make up for their advertising shortfalls in the long term.

A) Eliminate Local Television Ownership Rule

To preserve local television and ensure its viability in the future, the Commission should eliminate Section 73.3555(b), the Local Television Ownership Rule, in its entirety (including notes thereto). The Local Television Ownership Rule generally permits a single entity to own or operate a maximum of two full-power television stations within a designated market area, and only so long as (a) the digital noise limited service contours of the stations do not overlap; or (b) at the time of acquisition, at least one of the stations is not ranked among the top four stations in the DMA (the “Top-Four Prohibition”).¹⁴ While the rules provide that the Top-Four Prohibition will not apply in cases where the applicant requests and the Commission finds that permitting an entity to own two Top-Four stations would serve the public interest, convenience, and necessity, satisfying the “waiver” standard requires a detailed and complex showing and has been granted only in exceptionally rare circumstances.¹⁵ The uncertainty of whether such a waiver will be granted has had a chilling effect on the broadcast market and discourages investment, since it is difficult to negotiate or finance transactions with such uncertainty, which effectively prevents most transactions that might require such a waiver.

Congress directed the FCC to review its media ownership rules every four years to determine if they remain “necessary in the public interest as the result of competition” and to “repeal or modify any regulation it determines to no longer be in the public interest.”¹⁶ By far the best, most reasonable reading of that statutory language is that it directs the Commission to deregulate in light of competition in the market – including increased competition from new

¹⁴ See 47 C.F.R. § 73.3555(b); see *id.* § 73.3555(b)(2).

¹⁵ See *Consent to Assign Certain Licenses from Gray Television Licensee, LLC to Marquee Broadcasting West, Inc. and Assignment of Construction Permit from Marquee Broadcasting*, Mem. Op. & Order, DA 24-579 (June 18, 2024).

¹⁶ See 1996 Act § 202(h), 110 Stat. at 111–12.

entrants. Given the unquestioned evolution of the market and the scope and scale of increased competition, modification of these rules is not optional – it is mandatory under the plain language of the statute.

The Local Television Ownership Rule (including the Top-Four Prohibition) was originally intended to promote competition,¹⁷ but against the backdrop of a drastically different competitive media landscape. As discussed above, the video landscape is very different now, with significant local competition from satellite, cable and most significantly internet services provided by Big Tech players that are largely unregulated. As such, these rules do little today but threaten the future viability of many stations and local news, obstructing TV broadcasters' ability to operate and compete at scale and increase investment in local communities through improved programming, more robust news operations, additional local employment, and more. This problem impacts all television stations, but it is especially acute in smaller markets, where stations cannot achieve the average ad revenue per household that stations can in large markets, making the production of local news, weather, and sports financially burdensome and subject to extinction absent Commission action. Instead of placing arbitrary, unfounded, and outdated ownership limits on television broadcasters that do not apply to their cable, satellite, and online competitors for viewers and advertisers, the Commission should allow broadcasters to compete on a level playing field to preserve local news.

B) Eliminate National Ownership Cap

The National Ownership Cap prohibits a single entity from owning local television stations in markets that, taken together, cover more than 39% of U.S. television households.¹⁸ This limit is

¹⁷ See 2006 *Quadrennial Regulatory Review*, Report and Order and Order on Reconsideration, 23 FCC Rcd 2010, 2064-2065 (2008).

¹⁸ 47 C.F.R. § 73.3555(e).

based on the faulty premise that a broadcaster at the top of the cap has a 39% market share of the national audience (*i.e.*, incorrectly attributing an entire market's TV households to a broadcaster's audience reach simply because the broadcaster has one station in the market). The cap is also a relic of a bygone era and untenable in today's media and tech regulatory environment that places no limits on how many U.S. households cable and satellite companies or streaming behemoths like Netflix, Amazon, Apple, YouTube, and others can reach. While the UHF Discount¹⁹ provides some marginal relief, the cap must be eliminated entirely to give broadcasters any chance of fairly competing against Big Tech and other non-broadcast video programming distributors.

Elimination of the National Ownership Cap is within the FCC's statutory authority, as Chairman Carr has acknowledged,²⁰ and can be done immediately pursuant to an ongoing rulemaking proceeding initiated in 2017.²¹ That proceeding has generated a substantial record demonstrating the new competition broadcasters face. Sinclair's comments in that proceeding are incorporated herein by reference.²²

True national reach is an opportunity accessible to virtually all video programming platforms other than broadcast television, putting broadcasters at a severe competitive disadvantage. The trickle-down benefits of unlimited national reach are easy to understand.

¹⁹ *Id.*

²⁰ *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd. 10785 (2017) (*National Cap NPRM*) (Statement of then-Comm'r Brendan Carr) (acknowledging that the Commission has the authority to modify the national cap and that there is no statutory bar to Commission review of the cap).

²¹ *See National Cap NPRM*, MB Docket No. 17-318.

²² *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, Comments of Sinclair Broadcast Group, Inc., MB Docket No. 17-318 (Mar. 19, 2018); *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, Reply Comments of Sinclair Broadcast Group, Inc., MB Docket No. 17-318 (Apr. 18, 2018).

National reach allows companies to achieve greater efficiencies and cost savings, and leads to increased ability to attract advertising dollars, which affords a greater ability to invest in high-quality and unique content. The more high-quality and unique content on a platform, the more likely the platform will attract more viewers. Increased viewership leads to more advertising. For broadcasters, more advertising revenue means more investment in local journalism and local communities.

As extensively documented recently by the National Association of Broadcasters, the media, tech, and advertising marketplaces that exist today and in which local TV broadcasters attempt to compete bear no resemblance to the landscape of 2004 when the cap was last adjusted upward.²³ To illustrate the changed competitive landscape, in 2004, TheFacebook, as Meta's Facebook was then known, was a fledgling social media platform accessible only by Harvard students. Today, Meta products Facebook and videocentric Instagram attract more than 320 million American users per month.²⁴ YouTube, which did not exist in 2004 when the broadcast TV cap was last adjusted, is used by 85 percent of adults in the United States.²⁵ These – and other – wildly successful video platforms continue to benefit from growth and engagement capped only by what the market will bear, not by a regulatory restriction that stubbornly persists from a time long gone.

The Commission has an opportunity to address the severe decline in advertising dollars flowing to local media outlets and prevent from happening to local broadcasters what happened to local newspapers. Following that industry's decimation, local broadcasters stand as the only

²³ See NAB National Cap *Ex Parte*.

²⁴ See Taylor Lee, *The Most Popular Social Media Platforms of 2025*, Ignite Social Media, <https://www.ignitesocialmedia.com/social-networks/the-most-popular-social-media-platforms-of-2025/> (last visited Apr. 3, 2025).

²⁵ See NAB National Cap *Ex Parte* at 7.

remaining option for many consumers for local, trusted journalism. The Commission should do everything in its power to allow broadcasters to compete on a more level playing field and ensure that future generations can enjoy local journalism.

IV. Increase ATSC 3.0 Flexibility

As with broadcast ownership rule reform, a successful and nationwide transition to the ATSC 3.0 broadcast transmission standard (aka “Next Gen TV”) is critically important to ensuring the long-term viability of broadcast television. Sinclair supports the National Association of Broadcasters’ (NAB) petition²⁶ asking the Commission to establish a clear timeline to complete the transition to ATSC 3.0 in the top 55 markets by February 2028 and all other markets by February 30 and urges the Commission to move forward expeditiously in that proceeding. In the meantime, the Commission should eliminate the simulcast and “substantially similar” requirements. Further, the following ATSC 3.0-related rule modifications would greatly reduce regulatory burdens and facilitate a timely transition:

A) Relax Section 73.3801(c) Coverage Requirements for ATSC 1.0 Simulcast Signal

Section 73.3801 of the Rules requires stations that transition their facilities to the ATSC 3.0 transmission standard to broadcast an ATSC 1.0 simulcast of their primary programming stream by partnering with one or more stations in the market. To be eligible to transition to the ATSC 3.0 standard, the transitioning station must identify in its application an ATSC 1.0 “host” that (a) is licensed to the same DMA; and (b) covers the transitioning station’s *entire* community of license. These criteria have presented challenges in several of the markets that have launched

²⁶ See *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, National Association of Broadcasters Petition for Rulemaking, GN Docket No. 16-142 (Feb. 26, 2025) at 16.

to-date and may make it impossible for stations in remaining markets to transition. While Sinclair understands the goal of preserving access to programming for the station's 1.0 viewers, these requirements – in particular the community of license coverage requirement – have required broadcasters to jump through hoops in certain markets to avoid hosting arrangements even where 95% or more of the station's population would continue to be served. Broadcasters will need greater flexibility in hosting arrangements in order to extend the transition to the remaining (more complicated) markets.

B) Reduce Section 73.3801(f)(5) Expedited Processing Threshold from 95% Coverage to 75% Coverage

In addition to the DMA and community of license coverage requirements discussed above, Section 73.3801 sets forth a 95% population coverage threshold to qualify an ATSC 3.0 applicant for expedited processing. Stations that identify a 1.0 host station that covers less than 95% of their pre-transition service population not only lose expedited processing but also have to provide a detailed showing explaining why there are no other viable options, what steps have been taken to minimize the impact of service loss, and why the public interest benefits would outweigh the harms. Without expedited processing, stations are expected to file 60 business days in advance of the planned transition date (rather than 15 business days) which adds unnecessary delay to an already complicated transition. Because stations are expected to have a more difficult time in the remaining markets to find host stations that will satisfy the 95% coverage standard, Sinclair respectfully requests that the Commission lower the coverage threshold to 75% to give transitioning stations greater flexibility to be eligible for expedited processing and to not have to include a detailed showing. In the event the FCC declines to reduce the threshold to 75%, the Commission should at a minimum reduce the non-expedited filing review time to 30 calendar days

rather than 60 business days to reduce administrative burdens that will otherwise unduly delay a successful nationwide transition to ATSC 3.0.

C) Eliminate Section 73.3801(i)(4) Requirement to Post and Update Hosting Arrangements Exhibit

Next Gen TV broadcasters are not required to air an ATSC 1.0 simulcast of any stream besides their primary stream, but most (if not all) Next Gen TV broadcasters voluntarily elect to do so to provide viewers with continued access to their stations' primary and multicast streams. When Section 73.3801 was amended in June 2023 to extend the Next Gen TV licensing procedures to such multicast streams, the Commission added a requirement that any station seeking to license its multicast stream hosting arrangements needed to post on its station website (or online public inspection file if the station doesn't have a website) the "hosting arrangements" exhibit that is filed with the application.²⁷ This exhibit includes, among other things, the affiliation and channel (RF and virtual) of each stream, and it must be updated and emailed to the Chief of the Media Bureau's Video Division upon any changes to the affiliation or content of a stream. This Section 73.3801(i)(4) website posting and notice requirement should be eliminated because (a) the Commission should encourage stations to preserve access to their programming rather than saddle them with additional administrative make-work for doing so; (b) this exhibit is already publicly available because it is attached to the Next Gen license application, and there is no reason to keep a duplicate copy on a station website; (c) information regarding stream affiliations is also generally available via online program guides; and (d) stations do not otherwise have any obligation to notify the public or the FCC when they opt to change a multicast stream's content or affiliation and the FCC did not cite any basis for treating hosted multicast streams differently.

²⁷ 47 C.F.R. § 73.3801(i)(4).

D) Shorten Section 73.3801(h) MVPD Notice Period to 30 Days

Stations transitioning to the Next Gen TV standard are required to notify MVPDs at least 90 days in advance of relocating their ATSC 1.0 signals to host facilities.²⁸ This is often a significant driver of the timing of a market transition and impedes flexibility in planning as a last-minute change in host station arrangements can sometimes force a restart on the notice clock. MVPDs may have needed this substantial lead time in the early days of the ATSC 3.0 transition, but Sinclair respectfully submits MVPDs are today much better prepared to adjust to signal relocations and this notice period can be reduced to 30 days. This would also streamline market transition planning as 30 days would match the consumer notice period set forth in Section 73.3801(g).

V. Eliminate Children’s Television Programming and Related Reporting Requirements

Sinclair also urges the Commission to revise its Children’s Television Programming rules by (i) eliminating the core programming processing guidelines in Section 73.671(d); (ii) eliminating the related preemption rules in Section 73.671(e); and (iii) eliminating the Section 73.3526(e)(11)(iii) requirement to file an annual Children’s Television Programming Report.

Sinclair recognizes that broadcasters have a statutory obligation to serve the informational and educational (“E/I”) needs of children and its stations have consistently served those needs. Congress did not, however, dictate the specific amount of E/I programming a broadcaster must air, and Sinclair respectfully submits that doing so would trigger First Amendment concerns. Perhaps wary of this constitutional issue, the Commission has framed its E/I requirements as a “processing guideline.” In practice, however, these “guidelines” serve as the required minimums. Sinclair

²⁸ 47 C.F.R. § 73.3801(g).

appreciates the Commission’s 2019 efforts to reduce the regulatory burdens associated with E/I programming but respectfully submits that – particularly given the explosion of non-broadcast E/I programming available to young audiences today – the Commission should eliminate any requirement or “guideline” requiring a specified number of hours of E/I programming to air on any particular station during any particular time. The Commission should give broadcasters discretion to serve the E/I needs of their audience in the good faith judgment of the licensee rather than force stations to jump through hoops to reschedule preempted E/I programs (which is particularly challenging when E/I is displaced by networks during extended events like the Olympics or World Cup Soccer).

If, however, the Commission declines to eliminate Sections 73.671(d) and (e), the Commission should allow more flexibility, including by:

(1) expanding the categories of programming that count as E/I to include local news and other public interest programming broadcasters reasonably deem to appeal to young viewers (*e.g.* the Olympics);

(2) deleting the requirement that E/I programming needs to be mostly regularly scheduled to count as “Core” programming that satisfies the processing guidelines;

(3) providing greater preemption flexibility by, for example, (i) eliminating the current requirement that make goods air within 7 days of the Core program’s regularly scheduled date,²⁹ and (ii) expanding the preemption exemption³⁰ to include not only breaking news and non-regularly scheduled live program content produced locally by the station, but also to include all network preemptions, as the majority of currently non-exempt preemptions are out of the control

²⁹ 47 C.F.R. § 73.671(e)(1) and (2).

³⁰ 47 C.F.R. § 73.671(3).

of the licensee and are due to the networks and most often for sports which also appeal to children ages 16 and under; (iii) eliminating the requirement to label E/I programming,³¹ and (iv) eliminating the rule that limits the number of hours of E/I programming aired on multicast streams that can be counted towards satisfying the Core programming processing guidelines, because such programming is as available to over-the-air viewers on a multicast stream as it is on a primary stream.

Regardless of whether the Commission eliminates Sections 73.671(d) and (d), it should replace the annual Children’s Television Programming Report requirement in Section 73.3526(e)(11)(iii) with a simplified certification requirement in a station’s license renewal application. Such reports – which require licensees to track when and how often each E/I programming was aired and/or preempted (and by what) – are long, detailed, needlessly complicated and time-consuming, and provide no tangible or meaningful benefits to viewers (as, once again, station program schedules are already publicly available in program guides). The Children’s Television Act gives the Commission sufficient discretion and statutory authority to substantially ease the regulatory burden on stations by requiring only that licensees certify in their license renewal applications that they have “served the educational and informational needs of children through the licensee’s overall programming, including programming specifically designed to serve such needs,” consistent with Section 303b of the Communications Act.³²

VI. Reduce Public File and Political File Obligations

Section 73.3526 of the Commission’s rules requires most television and radio broadcasters to maintain an online public inspection file and to prepare and upload, among other things,

³¹ 47 C.F.R. § 73.671(c)(5).

³² 47 U.S.C. § 303b(a)(2).

quarterly issues and programs lists, commercial limits certifications, certain station contracts (or lists thereof), and political file documents.³³ In our experience, very few (if any) members of the public review these documents, with the exception perhaps of those seeking to buy political ads during an election cycle. Broadcasters are nevertheless required to spend an inordinate amount of time and resources preparing and uploading numerous documents to the file and obtaining internal and external legal advice regarding compliance, and even more time and expense reviewing when license renewal applications are due to be able to certify in the application that all documents were timely uploaded. These public file requirements are unique to broadcasters, once again giving Big Tech competitors an unfair advantage as they are not similarly burdened by these compliance costs.

Given the lack of public demand or need for these documents, many public file obligations serve only as enforcement action fodder at license renewal time if anything is missing or late. Because paperwork shouldn't exist for its own sake, Sinclair respectfully requests that the Commission delete Section 73.3526 in its entirety to eliminate station obligations to maintain a public inspection file.³⁴ Many documents housed in the online public file are already available via LMS (*e.g.*, applications and ownership reports, contour information, copies of relevant transaction documents filed with applications, etc.), and others serve no demonstrable public interest.

In the event the Commission declines to delete Section 73.3526, it should at a minimum eliminate the following:

- Section 73.3526(e)(1), (2), (4), and (5) (Maintenance of Certain Documents): These subsections require licensees to maintain in their public inspection files (a) authorizations; (b) applications and related materials; (c) contour maps; and (d) ownership reports and related materials. Each of these documents are already available online via the FCC's LMS. There is no reason to burden broadcasters with the obligation of ensuring LMS and the online public inspection file are properly linking

³³ 47 C.F.R. § 73.3526.

³⁴ Even with elimination of Section 73.3526, broadcasters would still be obligated to maintain a political file pursuant to Section 73.1943.

to each other or to otherwise upload such documents to the file if LMS is unavailable – indeed, it is unclear how a station would do so if it could not itself access copies of the LMS-filed documents and reports.

Additionally, with respect to subsection (e)(5), it is incredibly burdensome for licensees to have to maintain updated lists of Section 73.3613 documents in the online public inspection file – for example, each time a station group enters or amends a credit agreement, it must update the list in each of its stations’ individual files. Moreover, stations are already required to update this information in ownership reports filed via LMS. Like most of the information in the public file, stations rarely if ever receive requests or inquiries for these documents from the public and there is no reason to believe members of the public need a list, for example, of every time a network affiliation agreement is renewed, extended, supplemented, or amended.

- Section 73.3526(e)(11)(i) TV Issues/Programs Lists: This subsection requires broadcasters to prepare and upload each quarter a self-selected report of programs that, in their judgement “provided the station’s most significant treatment of community issues during the preceding three month period.” There is no specified type or amount of programming that must be aired, and such lists are not required to include all programs addressing community issues. Viewers can readily see what a station is airing, and we are not aware of issues/programs lists being used by viewers for any legitimate public interest reasons. Instead, enforcement actions are limited to administrative foot-faults such as penalizing late or missing uploads. The Commission should accordingly eliminate this reporting requirement and at most require licensees simply to certify at license renewal time that they aired programming during the term that in their good-faith judgment addressed issues of importance to their communities.
- Section 73.3526(e)(11)(ii) Records Concerning Commercial Limits: This subsection requires TV and Class-A stations to certify on an annual basis that they complied with the commercial limits on children’s programming set forth in Section 73.670 of the Rules. Such commercial limits apply only to programming designed for viewers ages 12 and under, which most stations no longer air for fear of the significant enforcement consequences of inadvertent commercial overages. Given that these are already submitted on a station certification basis, the Commission should eliminate the annual certification requirement and require licensees simply to certify at license renewal time that they complied with the commercial limits.

In addition to elimination of the rules discussed above, the Commission should revise its policy that stations must upload political file documentation within one business day of receiving the request for time. This requirement originates in no statute, rule, or implementing order subject to notice and comment rulemaking. It was instead declared during a political file webinar, and later served as the basis for enforcement actions during the most recent license renewal cycle. One

business day is an exceptionally difficult standard for stations to meet, as evidenced by the large number of disclosures and enforcement actions for failure to comply with this guidance in the previous renewal cycle. Sinclair understands the statutory obligation to upload such documentation “as soon as possible,” but respectfully submits that three business days would strike a more reasonable balance.

VII. Relax EEO Program Requirements

Sinclair understands the importance of fostering and maintaining a workplace free from unlawful discrimination. But compliance with the “Specific EEO Program Requirements” set forth in Section 73.2080(c) has no bearing on whether a broadcaster is complying with the “Non-Discrimination” requirement of 73.2080(a). Moreover, given that broadcasters are now permitted to comply with the obligation to recruit broadly by using online sources only (*e.g.*, using websites like Indeed.com), there is less (if any) public interest benefit to requiring stations to engage in the administratively burdensome practice of tracking and annually reporting every source that was used for every full-time vacancy or which specific organizations have requested to be notified of job vacancies. Such reporting does not shine any light on whether individuals or entities are being hired on a non-discriminatory basis, and complaints from individuals who believe discrimination has occurred would fall under the jurisdiction of the Equal Employment Opportunities Commission or analogous state agency rather than the FCC.

The Commission should accordingly eliminate Section 73.2080(c) in its entirety. But if it retains any Specific EEO Program Requirements, it should modify them as follows:

- Increase the 73.2080(d) Small Station Exemption: Station employment units with fewer than five full-time employees are exempt from the EEO Program Rule requirements of Sections 73.2080(b) and (c). The Commission should extend the exemption to station employment units with fewer than 20 full-time employees to relieve compliance burdens on smaller stations that often lack the resources and

personnel to devote to compliance with the extensive EEO Program Rule (and associated public file and random audit) requirements.

- Eliminate Section 73.2080(c)(1)(ii) (“Prong 2” entity requirement): Stations are currently required to provide notice of all full-time vacancies “to any organization that distributes information about employment opportunities to job seekers or refers job seekers to employers, upon request by such organization.” This is difficult to track and maintain from year to year, particularly as such organizations are entitled to dictate specific categories of job notifications they want, and Sinclair is unaware of any demonstrable countervailing EEO benefits. Failure to notify these Prong 2 entities of each such job notice can subject stations to substantial enforcement action. Particularly now that stations can achieve broad outreach through online-only sources, individuals have easy access to job postings and the Commission should eliminate special treatment for organizations requiring notice of all job vacancies in perpetuity simply because they requested job notices.
- Revise Section 73.2080(c)(2) (“Non-Vacancy Specific Recruitment Initiatives”): Consistent with the proposal above to increase the small station exemption, this subsection should be revised to exempt station employment units with fewer than 20 full-time employees. Additionally, the number of Non-Vacancy Specific Recruitment Initiatives that must be performed in each two-year period should be reduced to (a) one for stations located entirely in smaller markets and (b) two for all other covered stations, and the rule should be revised to credit participation in job fairs and community events with a whole point.
- Increase Random EEO Audit Safe Harbor to a Station’s License Term. EEO audits are time consuming and expensive to comply with, as they required stations to compile extensive documentation supporting their EEO Annual Program File Reports and prepare a narrative response to the EEO audit letter questions. Currently stations selected for random audits do not have to respond if they were audited within the past two years. Given the burdens associated with responding to these random audits, this “safe-harbor” period to be extended so that stations are audited no more than once per license term.

VIII. Revise Certain Technical Requirements

Lastly, the Commission can (i) significantly ease regulatory burdens on stations by modifying the notice and application process for special temporary authority (“STA”) to remain silent, operate with reduced power, or operate with licensed auxiliary facilities, and (ii) increase competition by revising Section 73.614(b)(6) to delete the “largest station” constraint on stations seeking an increase in ERP.

STA Reform: Stations that need to temporarily go silent, operate with lower than authorized power, or operate from licensed auxiliary facilities are currently required to file notices and/or STA applications with the FCC via the LMS filing system. Often, these notices and STA applications must be accompanied by a narrative exhibit explaining the circumstances causing the station to go silent or operate at variance and why STA would serve the public interest. Reduced power STAs also require engineering showings to prove that operating at variance will not cause harmful interference to protected licensees. Preparation of such filings often requires retention of FCC counsel and consulting engineers and LMS is frequently slow or entirely inaccessible, resulting in significant time and expense just to notify the FCC that a station is dark or operating slightly at variance. In contrast, the Disaster Information Reporting System (“DIRS”) is more efficient and accessible to local station or other in-house personnel, enabling stations to quickly select their call letters from a drop-down menu and update their operational status.

The Commission should accordingly eliminate the obligations to file notices and STA applications in LMS for stations that temporarily go silent, reduce power, or operate from licensed auxiliary facilities and instead allow stations to use DIRS or something similar to notify the Commission within 30 days of such circumstances to simplify and streamline the process. Extensive engineering and Commission approval is not necessary in any of those three situations because they do not involve the risk of harmful interference. Additionally, STA should be issued for a default term of 12 months (rather than 6 months) to reduce the need to file extensions. Stations have natural incentives to want to resume licensed operations as soon as possible, and the obligation to resume operations within one year (absent waiver of Section 312(g)) would remain in place in any event.

Power and Antenna Height Requirements: Section 73.614(b)(6) of the Rules states that stations can request an increase in either horizontal or vertical effective radiated power in some azimuthal direction or antenna HAAT (or both), up to the maximum permissible limits on TV power set forth in other subsections of 73.614(b), but only “up to that needed to provide the same geographic coverage area as the largest station within their market.” This limit provides an unfair advantage to older VHF stations in the market and unduly limits competition by UHF stations that could otherwise have better coverage in fringe areas or areas experiencing population growth. The “largest station” limit should therefore be deleted from Section 73.614(b)(6).

IX. Conclusion

For the foregoing reasons, Sinclair respectfully urges the Commission to eliminate or modify its rules as set forth above.

Respectfully Submitted,

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